MC(N) 4591/2006
BEFORE
HON’BLE MR. JUSTICE AMITAVA ROY

Heard Mr Aslam, learned counsel for the applicants.

Seen the office notes dated 21.5.2007, 16.7.2008, 17.5.2010 and 28.4.2011. Service of notice on the opposite party is complete.

Mr Aslam submits on instructions that though the opposite party has expired, as her heirs and legal representatives are already on record, no separate process for their substitution is warranted.

None has entered appearance on behalf of the opposite party. No objection has been filed to the prayer for condonation of delay.

On a consideration of the statements made in the application supported by an affidavit, this Court is of the view that the applicant was prevented by sufficient cause in preferring the accompanying appeal in time. The delay of 376 days has been explained and is, thus, condoned.

Misc. case is allowed.